

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/082,826	MAGEE, DAVID PATRICK
	<b>Examiner</b> Khanh Tran	<b>Art Unit</b> 2631

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Amendment filed on 12/07/2005.
2.  The allowed claim(s) is/are 1-6, 8-21, 23-24 and 26-29, which has been respectively renumbered as set forth in the Office action.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

1. The Amendment filed on 12/07/2005 has been entered. Claims 1-6, 8-21, 23-24 and 26-29 are pending in this Office action.
2. Claims 1-6, 8-21, 23-24 and 26-29 have been renumbered as shown below, respectively:

claims 8-21 renumbered as claims 7-20;

claims 23-24 renumbered as claims 21-22;

claims 26-29 renumbered as claims 23-26.

***Response to Arguments***

3. Applicant's arguments, see pages 9-11 under Applicant's Remarks, filed on 12/07/2005, with respect to claims 1-6, 8-11, 14-21, 23-24 and 26 have been fully considered and are persuasive. The rejection of claims 1-6, 8-11, 14-21, 23-24 and 26 has been withdrawn.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

4. Regarding claim 1, claim is allowable over prior art of record because the cited references taken individually or in combination fail to particularly disclose the allowable claimed subject matter "perform a first summation of the input magnitudes for N points of the input signal to determine the total number of bits that an output signal grows" and "compare the first summation with the second summation to verify appropriate scaling has been determined". The closest prior art is Luo et al. U.S. Patent 5,481,488.

5. Regarding claim 9, claim is allowable over prior art of record because the cited references taken individually or in combination fail to particularly disclose the allowable claimed subject matter "perform a first summation of the input magnitudes for N points of the input signal to determine the total number of bits that an output signal grows" and "compare the first summation with the second summation to verify appropriate scaling has been determined". The closest prior art is Luo et al. U.S. Patent 5,481,488.

6. Regarding claim 16, claim is allowable over prior art of record because the cited references taken individually or in combination fail to particularly disclose the allowable claimed subject matter "perform a first summation of the input magnitudes for N points of the input signal to determine the total number of bits that an output signal grows" and "compare the first summation with the second summation to verify appropriate scaling has been determined". The closest prior art is Luo et al. U.S. Patent 5,481,488.

7. Regarding claim 20, claim is allowable over prior art of record because the cited references taken individually or in combination fail to particularly disclose the allowable claimed subject matter "means for perform a first summation of the input magnitudes for N points of the input signal to determine the total number of bits that an output signal grows" and "comparing the first summation with the second summation to verify appropriate scaling has been determined". The closest prior art is Luo et al. U.S. Patent 5,481,488.

8. Regarding claim 23, claim is allowable over prior art of record because the cited references taken individually or in combination fail to particularly disclose the allowable claimed subject matter "summing the digitized signal input magnitudes for the N points to provide a total magnitude summation" and "comparing the scaling at stages where bit growth is present with the total magnitude summation to verify that the appropriate scaling has been provided". The closest prior art is Luo et al. U.S. Patent 5,481,488.

9. Regarding claim 26, claim is allowable over prior art of record because the cited references taken individually or in combination fail to particularly disclose the allowable claimed subject matter "determining a first summation of the magnitudes of the total number of bits that a N-point Fast Fourier Transform output grows" and "comparing the first summation with the input magnitude summation to verify

appropriate scaling has been determined". The closest prior art is Luo et al. U.S. Patent 5,481,488.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

Thanh Cong Tran

02/03/2006

Examiner

KHANH TRAN